THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.1631 of 2007

Between:

Hussain Bee and others.

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PETITIONERS

and

The Commissioner of Police and another.

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RESPONDENTS

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THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.1631 of 2007

ORDER:

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The petitioners seek to issue a Writ of Mandamus directing the respondents not to involve themselves into the civil litigation i.e., property bearing H.No.2-26/1 (old) H.No.2-76 (new), admeasuring 1000 sq. yards, out of which, a portion is said to have been disputed, which is a subject matter of O.S.No.711 of 2002 on the file of Additional Civil Judge, Ranga Reddy District and O.S.No.2261 of 2006 on the file of Additional Junior Judge, Ranga Reddy District.

It is the case of the petitioners that the 1st and 2nd petitioners are the owners of the property bearing D.No.2-76 admeasuring 1000 sq. yards and they derived the title of the suit schedule property from their ancestors and that there was a dispute with regard to the portion of the said property, which is a subject matter of the aforesaid civil suits. It is stated that the police are illegally interfering with the civil matters and helping land grabbers and encroachers and making attempts to dispossess them without any justification whatsoever and, therefore, the 3rd petitioner made representation, dated 08-01-2007, before the 1st respondent for taking appropriate action.

A counter has been filed stating that the petitioner made a representation, dated 08-01-2007, before the 1st respondent and on which, the 1st respondent made an endorsement directing the Inspector of Police, Special Branch, Cyberabad, to enquiry and submit a report. Accordingly, the Inspector of Police, Special Branch, conducted detailed enquiry and submitted a report to the Commissioner of Police, Cyberabad

on 20-01-2007, stating that the petitioners were found in possession of the said property, but there are no documents to show that the said land is situated in Sy.No.298. Insofar as other allegations that the 2nd respondent regularly calling the petitioners and threatening them to deliver vacant possession of the part and parcel of the property in question to the land grabbers and that the 2nd respondent is constantly calling and making them to sit in the police station Narsingi from morning to evening compelling them to handover vacant possession of the property in question to the land grabbers are found to be incorrect.

In view of the aforesaid enquiry report, dated 20-01-2007 it cannot be said that the Commissioner of Police has not taken any action on the representation of the 3rd petitioner. Therefore, I do not see any merits in the writ petition to issue any direction to the 2nd respondent. However, it is made clear that the 2nd respondent cannot interfere with the civil disputes of the petitioners. If there is any such illegal interference by the 2nd respondent, it always open to the petitioners to make another representation before the Commissioner of Police and also file a private complaint before the concerned criminal court for taking appropriate action against the 2nd respondent.

Accordingly, the writ petition is dismissed. There shall be no order as to costs.

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08-06-2007

Prv